

# EXHIBIT 2

JUNE 11, 2024

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
Before The Honorable Lisa J. Cisneros, Magistrate Judge  
IN RE: UBER TECHNOLOGIES, )  
INC., PASSENGER SEXUAL ASSAULT )  
LITIGATION )  
) NO. C 23-md-03084 CRB (LJC)  
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San Francisco, California  
Tuesday, June 11, 2024

TRANSCRIPT OF REMOTE ZOOM VIDEO CONFERENCE PROCEEDINGS

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1 Tuesday - June 11, 2024 2:07 p.m.  
2 PROCEEDINGS  
3 ---oo---  
4 (Mr. Stanley not present.)  
5 THE CLERK: The United States District Court is now in  
6 session, the Honorable Magistrate Judge Lisa J. Cisneros  
7 presiding.  
8 We are call 23-MD-03084.  
9 Counsel, please state your appearances for the record,  
10 beginning with plaintiff.  
11 MS. LONDON: Good morning.  
12 MS. LUHANA: Good afternoon, Judge. Roopal Luhana of  
13 Chaffin Luhana for the plaintiffs.  
14 MS. LONDON: Good afternoon, Your Honor.  
15 MS. ABRAMS: Good morning, Your Honor. Rachel Abrams  
16 from Peiffer Wolf for the plaintiffs.  
17 MS. LONDON: Sarah London for plaintiffs. Thank you,  
18 Your Honor.  
19 MR. BAGHDADI: Good afternoon, Your Honor. Khaldoun  
20 Baghdadi for the plaintiffs.  
21 MS. GOLDENBERG: And, Your Honor, Marlene Goldenberg  
22 for the plaintiffs.  
23 MS. HURD: Good afternoon. Ellyn Hurd for the  
24 plaintiffs, Simmons Hanly Conroy.  
25 MS. ELLIS: Good afternoon, Your Honor. Tiffany Ellis

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1	from Peiffer Wolf for the plaintiffs.	1 deposition protocols.
2	MR. CUBBERLY: Good morning, Your Honor. Walt	2 There's a pending dispute related to the safety data that
3	Cubberly for the JCCP plaintiff.	3 was requested by plaintiffs, and there's a number of letter
4	MS. CUTTER: Celine Cutter --	4 briefs related to third-party subpoenas and also a letter brief
5	MS. WILKINS: Good afternoon, Your Honor.	5 related -- regarding custodians and search terms.
6	Beth Wilkins from Chaffin Luhana for the plaintiffs.	6 So, much of this was filed on Friday according to
7	MS. CUTTER: Celine Cutter, JCCP plaintiffs.	7 schedule. So I'm not prepared to hear argument on all of this,
8	MR. SHORTNACY: Good afternoon, Your Honor. I am	8 but I thought what I could do is basically plan out when I'll
9	assuming that's everyone for plaintiffs.	9 hear arguments.
10	This is Michael Shortnacy speaking of Shook Hardy & Bacon	10 And we've already got a June 21st hearing date set for the
11	for the Uber defendants. I have with me today my colleague	11 third-party subpoena issues. So for -- I think that's a time
12	Patrick Oot, also of Shook Hardy, and my colleagues from Paul	12 that we can also use to hear argument on any outstanding
13	Weiss, Randall Luskey and Jacqueline Rubin, who may address	13 discovery disputes where there's briefing already pending at
14	the Court today.	14 this point in time.
15	THE COURT: So the first --	15 So as far as the deposition protocols, I was hesitant to
16	THE CLERK: Your Honor, your mic was out in the	16 make a decision on that today, in part because it's hard -- my
17	beginning of you speaking. I apologize for interrupting.	17 own inclination was it's difficult to decide how many
18	THE COURT: That's okay.	18 depositions should be held when it's not even clear how many
19	Good afternoon, everyone. Hopefully, you can hear me now.	19 custodians we have. And I didn't have a sense that there was a
20	Thanks for being here.	20 strong urgency -- but tell me if you disagree -- to decide that
21	We've got -- it's been a while since we've had any kind of	21 right away, early this month.
22	status conference or to talk about where we're at overall with	22 But what I first wanted to do was to resolve the
23	discovery.	23 custodians and search terms issues, hear argument on that on
24	So I received your joint status report, and I know in	24 June 21st, and we can talk about the deposition protocols at
25	addition to that, you've also filed competing positions on	25 that point in time as well.
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1	Now, I am ready to hear arguments on the safety data	1 could happen sooner. But I think the issue is it was not
2	issues that were briefed. So that, I would want to hear today.	2 noticed for hearing today. And so we are certainly prepared to
3	And as far as some of the other issues that were surfaced	3 talk with the Court about those issues, but in terms of a
4	in the joint status report, such as the non-custodial sources	4 formal PTO 8 argument, we would respectfully propose that be
5	for documents, policy documents and, like, the knowledge base	5 noticed.
6	system that Uber has, we can talk about -- we can talk about	6 MS. LUHANA: And, Judge, this is Roopal Luhana.
7	that today. It's not formally briefed, but maybe we can	7 I would just note, in our June 4th joint status report, we
8	resolve any disputes based on anything that's argued today.	8 specifically had said the parties would be prepared to discuss
9	But -- so just to be clear, what we'll do on June 21st is	9 that PTO 8 dispute. And the plaintiffs are ready, if you'd
10	hear arguments on the third-party subpoenas, hear arguments on	10 like to proceed.
11	custodians and search terms, any arguments on the deposition	11 MR. SHORTNACY: And I would just say, that was in
12	protocols at that point in time.	12 plaintiff's position statement in the case management
13	Today we'll deal with the safety data and any particular	13 conference, Your Honor.
14	issues that were surfaced in the discovery status report.	14 And so, again, we're happy to talk about it with
15	That's my proposal for what we do.	15 Your Honor; but I think in terms of a formal motion, that we
16	MR. SHORTNACY: Your Honor, Michael Shortnacy speaking	16 believe that should be noticed to be heard.
17	for the Uber defendants.	17 THE COURT: Well, I'm inclined to set it for hearing
18	If I could just make a proposal.	18 on June 13th at 9:00 in the morning by Zoom. So you have a few
19	THE COURT: Yes.	19 days to prepare to argue it. But that was briefed ahead of
20	MR. SHORTNACY: The notice for today's proceedings was	20 some of the other issues that were filed on the 7th. So I'm
21	the status conference, and so I know that the statistics and	21 just further along and ready to hear the argument on it and
22	data PTO 8 motion have been submitted.	22 decide it.
23	We would -- we would respectfully request that that be	23 So unless plaintiffs object, I'll set it for 9:00 in the
24	noticed for hearing. And it may be that that hearing take	24 morning via Zoom on June 13th.
25	place at the Court's convenience on June 21. It may be that it	25 MS. LUHANA: Judge, we don't object to that.

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1	<p><b>MR. SHORTNACY:</b> And we appreciate that, Your Honor.</p> <p>2 And I think just in terms of process for PTO 8, we expect</p> <p>3 the search terms and custodians dispute may not be the first or</p> <p>4 the last dispute that Your Honor hears.</p> <p>5 And so just, you know, so that the parties are aligned in</p> <p>6 how those will become teed up, it may be helpful for the Court</p> <p>7 to set dates, just so that there's no confusion.</p> <p>8 And so we appreciate Your Honor setting that for hearing.</p> <p>9 <b>THE COURT:</b> Okay.</p> <p>10 <b>THE CLERK:</b> Your Honor --</p> <p>11 <b>THE COURT:</b> Well --</p> <p>12 <b>THE CLERK:</b> -- just to -- oh, I apologize, Your Honor.</p> <p>13 Just to confirm, you're setting a status conference for</p> <p>14 June 13th at 9:00 a.m.</p> <p>15 <b>THE COURT:</b> It's a hearing on the parties' discovery</p> <p>16 dispute related to safety data. It's filed at ECF 592.</p> <p>17 <b>THE CLERK:</b> Thank you, Your Honor.</p> <p>18 <b>THE COURT:</b> And the parties have briefed up the letter</p> <p>19 brief -- their letter brief regarding custodians and search</p> <p>20 terms at 607. That's the ECF number on the docket.</p> <p>21 So I was inclined to put that over to the 21st, but since</p> <p>22 we're meeting anyways on the 13th, let's do the argument then,</p> <p>23 that morning at 9:00.</p> <p>24 <b>MR. SHORTNACY:</b> We understand, Your Honor.</p> <p>25 <b>THE COURT:</b> Okay.</p>	<p><b>MR. SHORTNACY:</b> We appreciate that.</p> <p><b>THE COURT:</b> So that's notice -- that letter brief is notice for a hearing as well, and that's the letter brief that's filed at ECF 607.</p> <p>Okay. So as far as the discovery status report, then, you explained what's going on with custodians, search terms. There was an issue around the non-custodial sources for documents like policies. And so that's not teed up in a discovery letter, but maybe we can avoid that by talking about it right now.</p> <p>I mean, is there no centralized repository for Uber's policy documents? Or maybe that's shifted over the years, since we're talking about a large time period. But perhaps this is pretty straightforward and we might be able to come to a solution today.</p> <p><b>MS. LUHANA:</b> Judge, Roopal Luhana for the plaintiffs.</p> <p>As you're aware, you entered the ESI order and required the parties to meet and confer regarding custodial and non-custodial sources.</p> <p>And in terms of the discovery that plaintiffs had served RFPs to defendants on February 28th, we had also negotiated additional milestones. And one of the milestones that we had negotiated to allow defendants to have a three-month extension for discovery was them -- for them to produce a list of non-custodial sources.</p>	Page 10
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1	<p>And so the ones that they produced to us were just general things like the DFS submissions, the Bliss database, Google Drive, documents produced pursuant to PTO 5 and PureCloud.</p> <p>And as you raised, we would believe that Uber has maintained, through the course of time, certain documents that are centrally located. However, their position has been that we're going to get those documents via custodial searches and piecemeal.</p> <p>But, obviously, there are non-custodial sources which were stored that shouldn't require search terms to produce, like the knowledge base policies; for example, any kind of retention policies. And one of the other things that we had raised was, for example, the safety report data, which obviously is going to be discussed on June 13th.</p> <p>But -- so we're at a loss here in terms of how they maintain their non-custodial files, and we would think there would be a lot more than they represented to us. And so some clarity from, I believe, Mr. Shortnacy would be helpful.</p> <p><b>MR. SHORTNACY:</b> Yeah, Your Honor, I'll address that.</p> <p>We have -- Uber has met its deadlines with respect to the milestones. It has explained the non-data source -- the non-custodial data sources from which it will collect documents.</p> <p>What we are presented with in the meet and confer process</p>	<p>is a series of questions that I think that we have tried to address in the meet and confer process. The specific question that Your Honor has raised as to what I -- you know, it's referred to by plaintiffs as a central data source. We have investigated that.</p> <p>We have also proposed providing plaintiffs with specific policies that are at issue, because the reason that this system, to the extent it exists, was even raised is because one of the plaintiffs' counsel in another case, in an employment case, unrelated to these proceedings, apparently at some former point in time had learned about a system through that proceeding. We are looking into that system and seeing whether there are non-duplicative documents that would need to be produced.</p> <p>But our approach for the policies and procedures, Your Honor, just to be very clear, is that we have pulled specific policies in place for relevant areas of inquiry that the plaintiffs have raised in their requests for production, like the policy for reactivation or deactivation of independent drivers, for example. There are discrete policies that are at issue or that may have changed over time that Uber is pulling together to produce pursuant to its responses and objections. And so we are in the process of meeting and conferring with plaintiffs about that.</p> <p>I think what plaintiffs specifically are seeking is the</p>	Page 12

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<p>1 production of that entire system or database or an index, to 2 the extent it exists -- and I don't believe it does -- to be 3 able to then choose and select policies that plaintiffs believe 4 may be responsive to their requests.</p> <p>5 Our position is, as we've stated to plaintiffs in the meet 6 and confer process, that's backwards; it's disproportionate and 7 not necessary because Uber will pull specific policies that are 8 relevant and produce them. I don't think there's any objection 9 to that.</p> <p>10 But I think that the issue here -- and there really 11 shouldn't be a dispute -- is whether an entire system should be 12 subject to production or an entire list for every policy in the 13 company, to the extent it exists, should be produced. And our 14 position is that's unnecessary and disproportionate.</p> <p>15 THE COURT: Is there an index or a table of contents 16 or something of that sort?</p> <p>17 MR. SHORTNACY: I'm not aware of that in that system, 18 and nor am I aware --</p> <p>19 THE COURT: Or any other system? Is there a list of 20 policies that Uber management or executives looks to?</p> <p>21 MR. SHORTNACY: I think the policies and procedures 22 reside in multiple parts of the company and the systems. And 23 remember, this company has gone through iterations --</p> <p>24 THE COURT: Right.</p> <p>25 MR. SHORTNACY: -- over time; and so all of these</p>	<p>1 things have changed, the systems have changed. 2 THE COURT: Right. But is there a centralized 3 web page that one would go to to find the bulk of this 4 information?</p> <p>5 MR. SHORTNACY: No, Your Honor, there is not. 6 THE COURT: Or a set -- you know, or maybe a set of 7 pages, like HR, or dealing with drivers, or -- maybe it's not 8 one omnibus place that all of the policies live, but a set of 9 places where there may be lists.</p> <p>10 MR. SHORTNACY: That's -- that's correct, Your Honor. 11 Your understanding is correct. There is not a centralized 12 list.</p> <p>13 THE COURT: Is it, like, five different places? 14 Because -- I'm asking these questions because you have argued 15 proportionality, and so I'm trying to understand --</p> <p>16 MR. SHORTNACY: Well --</p> <p>17 THE COURT: -- how many different places these 18 documents might be -- might live in and be organized in.</p> <p>19 MR. SHORTNACY: Certainly, Your Honor. Let me address 20 that point.</p> <p>21 I think the argument here, before we get into our 22 proportionality analysis per se, is that the procedures that 23 plaintiffs are seeking do not reside in a centralized place. 24 They may be fractured and all over the place, and I do not know 25 how many specific places they may be.</p>
<p>1 But what Uber is doing in terms of its factual 2 investigation in response to plaintiffs' request is to look in 3 the appropriate places that correlate to policies and 4 procedures that are called for in requests for production by 5 plaintiffs.</p> <p>6 And an easy example would be rider or -- driver or 7 rider -- independent driver, that is -- deactivation or 8 reactivation. Those would be in a centralized place. Uber 9 would pull those documents, to the extent they exist, over the 10 appropriate period of time and produce them.</p> <p>11 And so what we're doing is looking in the right places, 12 fractured though they may be, to be able to pull policies and 13 procedures for plaintiffs in response to their requests.</p> <p>14 We have different teams and different entities all over 15 the world that house this data. So we're undertaking that 16 effort to find the appropriate policies, and there's no central 17 place to look.</p> <p>18 MS. LUHANA: Judge, this is Roopal Luhana.</p> <p>19 Unfortunately, the milestone we had negotiated with the 20 defendants was May 6, and, of course, the ESI protocol was 21 entered way before that. And so for the defendants to say just 22 Team Google Drives is a non-custodial source, frankly, isn't 23 sufficient.</p> <p>24 And in terms of the knowledge base that we had raised 25 where they had kept their policies, we had provided an index of</p>	<p>1 sorts to them that we had, and we still haven't heard back from 2 defendants on these non-custodial sources.</p> <p>3 And we just find it hard to believe that there wasn't 4 centralized folders, for example, in Google Drive for the 5 safety team, for the marketing team. They must have housed 6 documents in a centralized place, but we've been unable to get 7 answers beyond the Team Google Drives, to have Bliss as 8 non-custodial sources, PureCloud as non-custodial sources, and 9 not get answers.</p> <p>10 And right now it's June 11th, and this was something that 11 was negotiated and was supposed to be produced by May 6th.</p> <p>12 MR. SHORTNACY: Your Honor, I disagree with counsel's 13 representations. I mean, we have been engaged in the process 14 of information sharing. We have provided information about the 15 places we're going to look. We've litigated the issue of the 16 Google Drive documents. And so I'm just -- I'm not sure how to 17 respond to counsel's representation other than to say that we 18 have provided information.</p> <p>19 THE COURT: I -- what I'm hearing on the part of 20 defendants is that you want plaintiffs to ask for relevant 21 evidence or documents or policies in a particular manner, that 22 is, to sort of like ask for the policy and then you go find 23 that particular policy and pull it from one of these central -- 24 one of several somewhat centralized locations where the 25 policies may live at any particular time.</p>

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<p>1 Plaintiffs are asking for what appears to me to be 2 relevant policy information and information about -- and they 3 don't necessarily know what the names of all the different 4 policies are because they don't work for Uber. So this is 5 their approach to searching down -- searching for relevant 6 documents. I don't know -- I don't think that -- it's not an 7 approach that you -- that Uber prefers or the defendants 8 prefer, but I don't think that there is an aspect of Rule 26 9 that precludes them from asking for this information in this 10 way unless it's disproportionate.</p> <p>11 And from what you've described so far, the fact that it's 12 not in one omnibus location doesn't -- and that it may live in 13 a couple of different places doesn't mean that it is 14 disproportionate for them to ask for a table of contents or an 15 index, indices or, you know, printouts of the web pages that 16 describe all the different policies, and then they can get a 17 sense of what the universe of policy documents are that relate 18 to the claims here in this case.</p> <p>19 So to me it sounds like you're arguing that the way that 20 plaintiffs are going about searching for the relevant evidence 21 is what Uber finds objectionable; but unless it's 22 disproportionate or unduly burdensome, to me it doesn't strike 23 me as out of bounds as far as Rule 26 is concerned.</p> <p>24 <b>MR. SHORTNACY:</b> But, Your Honor, let me just take one 25 additional swing at this one, if I could.</p>	<p>1 The issue is that the documents, to the extent they exist, 2 reside in disparate places. 3 And what plaintiffs are saying is: We want all policies 4 and procedures. 5 And what Uber is saying is: We will respond and provide 6 appropriate responsive policies and procedures that relate to 7 the areas and categories of the case that are relevant and that 8 we can put our hands on and provide to plaintiffs. 9 And those policies and procedures, categorically speaking, 10 can relate to the requests for production and the claims and 11 defenses of the cases, which Rule 26 requires. Uber is in the 12 process of doing that. And what we're saying is that we are 13 producing those documents. And I think in some respects, this 14 is a premature dispute because we're providing those policies 15 and procedures in the relevant categories, which we've 16 identified to plaintiffs. 17 Going to every disparate place where an index -- an, 18 a-n -- an index may reside, I think, is burdensome, and there's 19 no reason that I think that I've heard articulated by 20 plaintiffs that the search that Uber is doing presently is 21 somehow inadequate. 22 The plaintiffs are getting policies and procedures that 23 are relevant to the case, and they will get them. And they 24 will get them through non-custodial sources, and they're very 25 likely to get them in custodial searches through search terms,</p>
<p>1 to the extent that they reside by custodians that are in roles 2 who would touch policies and procedures. 3 So I think there is a relevance portion to the argument, 4 and, hopefully, that addresses Your Honor's first question, the 5 proportionality question, which if we would be permitted to 6 provide, you know, some substantiation to that, if it would be 7 helpful to Your Honor, there's really -- that's the second 8 piece of the analysis. 9 I think the first piece, we're providing. The second 10 piece would be the burden to going to the disparate places 11 within the company, to the extent these things exist. 12 <b>MS. LUHANA:</b> Judge -- 13 <b>THE CLERK:</b> Your Honor, my apologies for interrupting. 14 I have a Bret Stanley that is consistently raising his 15 hand. Is he with either plaintiff or defense side -- 16 <b>MS. LUHANA:</b> He is with the plaintiffs. 17 <b>THE CLERK:</b> -- and should be heard? 18 <b>MS. LUHANA:</b> Yes. Yes, he should be heard. 19 <b>THE CLERK:</b> Okay. 20 <b>MS. LUHANA:</b> Mr. Stanley actually knows a great deal 21 about the knowledge base database. And that's the database 22 that has -- provides Uber support staff with policies, 23 instructional articles, that assists the Uber staff in managing 24 rider and driver issues. So it's a critical database, and 25 we've asked about it numerous times to the defendants and</p>	<p>1 haven't heard anything since. 2 And then there are other non-custodial files which, as I 3 articulated, presumably would be located centrally as well, but 4 those haven't been provided. 5 And I presume there would be some level of index somewhere 6 that Uber has as to these policies or as to these shared 7 folders that are maintained in the centralized location. And 8 specifically in the ESI order, Judge, you had noted that Uber 9 was supposed to provide the specific location of these 10 non-custodial files as well, and we will simply haven't 11 received that. 12 <b>THE CLERK:</b> Your Honor. 13 (Bret Stanley joins the proceedings via Zoom.) 14 <b>THE CLERK:</b> Mr. Stanley, can you please state your 15 appearance, since you're coming on after we've already called 16 the case? 17 <b>MR. STANLEY:</b> Good afternoon. Bret Stanley on behalf 18 of the plaintiffs. Thank you very much. 19 <b>THE CLERK:</b> Thank you. 20 <b>THE COURT:</b> Okay. Is there a -- Mr. Shortnacy, is 21 there a knowledge base -- set of knowledge base policies in an 22 internal database? Is there a knowledge base system? Is that 23 a -- are you disputing that that exists? 24 <b>MR. SHORTNACY:</b> We're not disputing that, Your Honor. 25 We are saying that that exists, and it's being searched for</p>

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<p>1 relevant policies. And those policies, as I explained, differ 2 over time and can be categorized in different ways, depending 3 on the subject matter that, as counsel, we are working with 4 Uber to correlate back to the request for production.</p> <p>5       <b>THE COURT:</b> Okay.</p> <p>6       <b>MR. STANLEY:</b> Judge, could I give some color to this, 7 please?</p> <p>8       <b>THE COURT:</b> Sure.</p> <p>9       <b>MR. STANLEY:</b> I apologize for not having a tie on. I 10 didn't know that this was going to be a front issue today.</p> <p>11       I'm Bret Stanley on behalf of the plaintiffs. It's good 12 to see you.</p> <p>13       So the knowledge base platform is a platform that holds 14 hundreds and hundreds of policies that dictate what support 15 staff do with riders and drivers on a daily basis. If there's 16 a rider that calls in or a driver that calls in, the knowledge 17 base platform exists so that support staff can find the policy 18 to decide how to respond.</p> <p>19       And so I have received many of these policies through 20 employment litigation against Uber over the past several years, 21 and I provided hundreds of these policies to defense counsel in 22 hopes that we can get them just to be turned over and sent to 23 us. It's relevant to the employment question, but it's also 24 relevant to how Uber deals with both riders and drivers.</p> <p>25       And so we know that the knowledge base platform houses</p>	<p>1 many versions of these policies. I've taken 30(b)(6) 2 depositions against Uber witnesses talking about these 3 policies, discussing them and other issues. And so they're 4 there, and they're designed for ease of use by support staff, 5 and they're in a centralized location.</p> <p>6       Once they developed the knowledge base platform, it was 7 designed for ease of use and for all the policies to be housed 8 in one location. And so I don't understand the various 9 locations that counsel is discussing. It's all housed in one 10 place. I don't understand that.</p> <p>11       <b>MR. SHORTNACY:</b> Your Honor, if I could address that. 12 It's Michael Shortnacy speaking.</p> <p>13       I mean, I think what Mr. Stanley said is not correct. 14 "It's all housed in one place" is just simply not correct.</p> <p>15       And we're not disputing that knowledge base is a system. 16 We've explained that to plaintiffs. We're searching it. We 17 will produce documents relating to policies for support staff, 18 as Mr. Stanley has requested. We're not arguing about that.</p> <p>19       The issue is, what plaintiffs are seeking and the way that 20 they've -- Ms. Luhana has framed the issue for the Court is 21 they want -- they want indices that may or may not exist for 22 all systems besides the one that we're talking about here. And 23 so that is where the burden truly comes in.</p> <p>24       I mean, they're, in a sense, asking us to create -- on the 25 one hand, potentially create indices that may or may not exist</p>
<p style="text-align: center;">Page 23</p> <p>1 and, on the other hand, go to other places that those indices 2 would reside.</p> <p>3       And when we're talking about the specific and narrow ask 4 for knowledge base, I think there should be, as I mentioned 5 before, really no dispute. Uber is undertaking an effort to 6 search that to produce relevant responses that correlate to the 7 categories the plaintiffs have asked.</p> <p>8       <b>THE COURT:</b> Understanding the sort of categories or 9 taxonomy of policies within -- within the knowledge base 10 system, to me it would seem relevant to understanding how Uber 11 is managing its drivers and dealing with reports that customers 12 are making to the company.</p> <p>13       So, you know, it does seem like the relevance is there 14 with respect to the policies. And what is relevant is not only 15 discrete policies within that system that may bear on the 16 claims, but also how the policies are organized in relation to 17 managing the drivers' work and sort of what -- what the 18 different issues are that Uber has to contend with in terms of 19 interfacing with its drivers and managing them.</p> <p>20       So I don't -- I don't -- I think that there is some 21 relevance there, and this is one system that plaintiffs are 22 asking out -- asking about specifically. So it doesn't seem 23 disproportionate or burdensome to produce the table of contents 24 or the index or a printout of the web page at different points 25 of times.</p>	<p style="text-align: center;">Page 24</p> <p>1       It may -- I'm sure that this -- what exactly is contained 2 therein and the universe of information within the knowledge 3 base system has changed over time; but at least this is 4 something that the plaintiffs are specifically asking for. 5 You know, broadly construing relevance, it seems like they've 6 established as much. They're not asking --</p> <p>7       My understanding, Ms. Luhana, is that you're not asking 8 for every -- a copy of every single policy that lives in the 9 knowledge base system. Right?</p> <p>10       <b>MS. LUHANA:</b> We're not, Your Honor. But the -- 11       <b>THE COURT:</b> No. You want -- 12       <b>MS. LUHANA:</b> -- problem -- 13       <b>THE COURT:</b> -- the overview of it. 14       <b>MS. LUHANA:</b> Yes.</p> <p>15       And the issue is, is we just happen to know about the 16 knowledge base and raise it with them. But the onus is on Uber 17 to have these discussions in discovery where they're providing 18 the non-custodial sources, and that's simply just not 19 happening, where they're forthcoming with what centralized 20 files they have that they don't have to run search terms 21 against.</p> <p>22       And as I said, like, we want to move forward with 23 discovery here, and that's why some of these milestones were 24 put in place. That's why you put these things in your order, 25 in the ESI order. But it's just -- it's just, unfortunately,</p>

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	<p>1 not happening.</p> <p>2 And we're at a loss here on the non-custodial sources as</p> <p>3 well as other issues which we're going to speak to Your Honor</p> <p>4 about later this week.</p> <p>5 <b>THE COURT:</b> Yeah.</p> <p>6 Mr. Shortnacy, you had referenced other places besides the</p> <p>7 knowledge base system, that there's other places where policy</p> <p>8 documents live. And to understand the scope of this -- and</p> <p>9 there may be some that are not at all relevant. It's just hard</p> <p>10 for me to fathom. I don't work for Uber. But at what point --</p> <p>11 if it's three other places where these documents live, then you</p> <p>12 should disclose that to the plaintiffs. I don't think there's</p> <p>13 any reason to not be specific about the non-custodial sources</p> <p>14 of policy documents.</p> <p>15 <b>MR. SHORTNACY:</b> But, Your Honor, I think where --</p> <p>16 where the stumbling block is in the discussion with plaintiffs</p> <p>17 as it's being framed is that we're leaping from specific</p> <p>18 policies to all policies.</p> <p>19 <b>THE COURT:</b> They're not asking for all policies.</p> <p>20 They're asking for a list of the policies that live in these</p> <p>21 different systems, whatever the system is that Uber has set up</p> <p>22 over the course of time.</p> <p>23 And then from there, they'll figure out, okay, this</p> <p>24 appears to be relevant, and it's -- the point is, is that we</p> <p>25 shouldn't -- the gathering of relevant evidence isn't</p>	<p>1 exclusively and solely based on the search term process.</p> <p>2 There's just going to be a set of policy documents that are</p> <p>3 relevant to Uber dealing with drivers in managing whatever</p> <p>4 safety concerns may come up. So....</p> <p>5 <b>MR. SHORTNACY:</b> But, Your Honor, if I could, what I --</p> <p>6 what I think the -- the framing -- the framing is going back to</p> <p>7 policies, because what is being discussed is, like, the overall</p> <p>8 framework for all policies that exist in the company. And</p> <p>9 those are in different places. And I frankly, as I sit here</p> <p>10 today, don't know where all the policies in the company reside,</p> <p>11 and it may have changed over time.</p> <p>12 And so that's why we're approaching it from a slightly</p> <p>13 different approach, which is that we're working internally with</p> <p>14 the appropriate stakeholders to find the policies that may be</p> <p>15 relevant.</p> <p>16 And what I'm hearing is that plaintiffs now -- they don't</p> <p>17 want and they're not arguing, as I hear, that all policies are</p> <p>18 relevant. But they're saying that discovery about all of the</p> <p>19 policies in the company is relevant; whereas I think that</p> <p>20 that's going to be tremendously burdensome to sort out in a</p> <p>21 world where we're providing the policies and procedures to the</p> <p>22 plaintiffs that pertain to the issues in dispute.</p> <p>23 And so I just feel like we -- we're sort of talking past</p> <p>24 each other on the way that the plaintiffs are presenting this.</p> <p>25 We're not -- we're not saying it's not -- the policies and</p>
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	<p>1 procedures about driver policies and the way that safety</p> <p>2 protocols are implemented in the company are not relevant.</p> <p>3 That's not the argument. The argument is where they reside and</p> <p>4 how to get them.</p> <p>5 And I think what we're trying to express to the Court is</p> <p>6 that we've undertaken an effort to do that and are explaining</p> <p>7 that to plaintiffs. And it's not fair to say that we're not</p> <p>8 giving them any information about the non-custodial data</p> <p>9 sources. Of course we've been engaged in this process, the</p> <p>10 milestone process, for several weeks. So I take issue with</p> <p>11 that, Your Honor.</p> <p>12 <b>MS. LUHANA:</b> Judge, Roopal Luhana.</p> <p>13 We have been engaged in the process and have asked for</p> <p>14 this on May 6th, May 17th, May 29th, and still have not</p> <p>15 received.</p> <p>16 Perhaps it may be helpful for Mr. Shortnacy to provide</p> <p>17 different policies and things that they're pulling, which are</p> <p>18 not from non-custodial sources, and then we can have a</p> <p>19 discussion about those non-custodial sources and what resides</p> <p>20 there. And perhaps there are other policies which we believe</p> <p>21 would be relevant, we'd ask them to produce.</p> <p>22 So, I mean, that requires a discussion and an openness and</p> <p>23 a willingness to share that information as to these things,</p> <p>24 so -- as to these non-custodial sources.</p> <p>25 <b>MR. SHORTNACY:</b> And, Your Honor, we certainly are</p>	<p>1 willing to do that, and I feel like we've been engaged in that</p> <p>2 process. So we're not sitting here in front of the Court</p> <p>3 suggesting that we're not willing to provide information.</p> <p>4 <b>THE COURT:</b> Well, it seems like Uber's position is</p> <p>5 basically that Uber gets to unilaterally decide which policies</p> <p>6 are relevant without allowing plaintiffs to look at an index or</p> <p>7 a table of contents of policies and make some determination</p> <p>8 based on the titles of the policies or how they're organized or</p> <p>9 situated in categories that the policies might be relevant.</p> <p>10 And so I just don't think that what plaintiffs are asking</p> <p>11 for is an unreason- -- is an unreasonable approach to finding</p> <p>12 relevant policy or other guidance information that Uber has.</p> <p>13 And the fact that we're here at this point in time and</p> <p>14 you're not sure where all the different policies may be living</p> <p>15 when the Court has been expecting that there would be</p> <p>16 non-custodial sources of policy documents identified, I mean,</p> <p>17 that order came out months ago. I just expected that it would</p> <p>18 be further along.</p> <p>19 But at this point, the one source that we know about is</p> <p>20 the knowledge base. So provide the index and the list or the</p> <p>21 table of contents or whatever is necessary for plaintiffs to be</p> <p>22 able to participate in the identification of relevant policies</p> <p>23 as opposed to relying on Uber's just unilateral decision-making</p> <p>24 about what's relevant or having to rely on search terms,</p> <p>25 because the whole point is this process was to be -- not have</p>

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1	to wait until there's a set of search terms agreed upon.	1 these sources so that we can get to the bottom of this sooner
2	This should have been a more streamlined, faster process.	2 rather than later.
3	It's not to say that it's a simple process because Uber's been	3 MR. SHORTNACY: We understand that, Your Honor, and
4	around for a long time; policy -- organizations change over	4 certainly, we'll take that guidance to heart.
5	time and have different policies and different approaches to	5 THE COURT: Okay. Thank you.
6	managing their information. So I don't want to oversimplify	6 So we spent quite a bit of time on the non-custodial
7	this. But I think that -- I just don't think that what	7 sources, and we're not going to hear argument on -- on the
8	plaintiffs are asking for is unreasonable.	8 other items until the 13th, and then some of the other disputes
9	And the sooner that you can do the work with your team to	9 until the 21st.
10	identify the other source and specify that and disclose by the	10 Is there anything else in the discovery status report that
11	end of the week what those other sources are apart from the	11 you want to discuss today that would be helpful?
12	knowledge base system, then the sooner there can be a more	12 MS. LUHANA: Your Honor --
13	meaningful meet and confer process.	13 MS. GOLDENBERG: Judge, just in terms of search terms,
14	There's no way that I'm in any position to say that it's a	14 I wanted to make sure that we submitted that dispute to you in
15	disproportionate request to look beyond -- at sources beyond	15 a way that was helpful.
16	the knowledge base system because there's no specific	16 The way that we've been doing this is we've been going
17	information that's been shared with the Court or, for that	17 back and forth on separate sheets with PIT counts and all sorts
18	matter, for plaintiffs about the other sources or systems where	18 of things.
19	these policies live.	19 And different judges like to see this presented in
20	I mean, I expect the plaintiffs to be thoughtful about	20 different types of ways, but it doesn't lend itself very well
21	this. And there's bound to be policies that have nothing to do	21 to a two-page letter or I think you're going to end up with a
22	with -- with the claims here in the case.	22 PDF that looks pretty ugly.
23	But it sounds like the meet and confers haven't been very	23 Do you have a preferred method of dealing with search
24	effective at this point.	24 terms from other cases? If not, we can get one to you and
25	So I'm asking Uber to come up with more specifics around	25 propose it jointly.
	Page 31	Page 32
1	THE COURT: I don't have a preferred --	1 MR. SHORTNACY: Thank you, Your Honor.
2	MR. SHORTNACY: I'm sorry?	2 THE COURT: Okay. Thank you.
3	THE COURT: I don't have a preferred method. So if	3 THE CLERK: Court is now adjourned.
4	you all can come to a joint --	4 Thank you, Your Honor.
5	MS. GOLDENBERG: We'll talk.	5 (Proceedings adjourned at 2:51 p.m.)
6	THE COURT: -- agreement about how you want to present	6 ---oo---
7	it, that's fine.	7
8	MS. GOLDENBERG: Sure.	8 <b>CERTIFICATE OF REPORTER</b>
9	MR. SHORTNACY: Your Honor, it's Michael Shortnacy	9 I certify that the foregoing is a correct transcript
10	speaking.	10 from the record of proceedings in the above-entitled matter.
11	We'll certainly work with plaintiffs on the appropriate	11
12	format for briefing and how it might be most helpful for	12 DATE: Wednesday, June 11, 2024
13	the Court.	13
14	We're certainly willing to engage and continue those	14
15	discussions with plaintiffs about search terms. So we'll	15
16	certainly do that, Your Honor.	16
17	THE CLERK: I'm sorry, Your Honor. Your audio seemed	17 Ana Dub
18	to go out again. Apologize.	18
19	THE COURT: Hopefully, I can sort this out before your	19
20	next appearance. But, hopefully, everyone can hear me at the	20
21	moment.	21
22	I don't think that there's anything further that we need	22
23	to discuss then today.	23
24	MS. LUHANA: There isn't, Judge. Thank you.	24
25	THE COURT: Okay.	25

	<b>1400 [1]</b> 1:2/20 <b>1700 [1]</b> 1:2/10 <b>17th [1]</b> 1:27/14 <b>1800 [1]</b> 1:2/22	<b>95864 [1]</b> 1:2/17 <b>9:00 [3]</b> 1:8/18 1:8/23 1:9/23 <b>9:00 a.m [1]</b> 1:9/14	<b>A</b> 1:19/8 <b>Angeles [1]</b> 1:2/20 <b>another [1]</b> 1:12/9 <b>answers [2]</b> 1:16/7 1:16/9 <b>any [12]</b> 1:5/21 1:6/12 1:7/8 1:7/11 1:7/13 <b>able [4]</b> 1:10/14 1:13/3 1:15/12 1:28/22 <b>about [33]</b> <b>above [1]</b> 1:32/10 <b>above-entitled [1]</b> 1:32/10 <b>ABRAMS [2]</b> 1:1/16 1:4/15 <b>according [1]</b> 1:6/6 <b>actually [1]</b> 1:19/20 <b>addition [1]</b> 1:5/25 <b>additional [2]</b> 1:10/22 1:17/25 <b>address [5]</b> 1:5/13 1:11/20 1:12/2 1:14/19 1:22/11 <b>addresses [1]</b> 1:19/4 <b>adjourned [2]</b> 1:32/3 1:32/5 <b>after [1]</b> 1:20/15 <b>afternoon [9]</b> 1:4/12 1:4/14 1:4/19 1:4/23 1:4/25 1:5/5 1:5/8 1:5/19 1:20/17 <b>again [2]</b> 1:8/14 1:31/18 <b>against [3]</b> 1:21/20 1:22/2 1:24/21 <b>ago [1]</b> 1:28/17 <b>agreed [1]</b> 1:29/1 <b>agreement [1]</b> 1:31/6 <b>ahead [1]</b> 1:8/19 <b>aligned [1]</b> 1:9/5 <b>all [22]</b> 1:6/7 1:13/25 1:14/8 1:14/24 1:15/14 1:17/3 1:17/16 1:18/3 1:22/7 1:22/9 1:22/14 1:22/22 1:25/9 1:25/18 1:25/19 1:26/8 1:26/10 1:26/17 1:26/18 1:28/14 1:30/17 1:31/4 <b>allow [1]</b> 1:10/23 <b>allowing [1]</b> 1:28/6 <b>along [2]</b> 1:8/21 1:28/18 <b>already [3]</b> 1:6/10 1:6/13 1:20/15 <b>also [8]</b> 1:5/12 1:5/25 1:6/4 1:6/12 1:10/21 1:12/6 1:21/23 1:23/16 <b>Alton [1]</b> 1:2/8 <b>am [3]</b> 1:5/8 1:7/1 1:13/18 <b>Americas [1]</b> 1:3/3 <b>Ana [2]</b> 1:1/24 1:32/17 <b>analysis [2]</b> 1:14/22	<b>B</b> 1:17/1 1:17/9 1:22/24 1:23/22 1:23/22 1:24/4 1:24/6 1:24/7 1:25/19 1:25/20 1:28/10 1:29/8 1:29/25 <b>aspect [1]</b> 1:17/8 <b>ASSAULT [1]</b> 1:1/5 <b>assists [1]</b> 1:19/23 <b>assuming [1]</b> 1:5/9 <b>at [44]</b> <b>ATTORNEY [15]</b> 1:1/14 1:16 1:1/19 1:1/21 1:12 1:2/4 1:2/6 1:2/9 1:2/11 1:2/15 1:2/17 1:2/21 1:2/23 1:3/4 1:3/8 <b>audio [1]</b> 1:31/17 <b>Avenue [5]</b> 1:1/20 1:2/10 1:2/16 1:2/20 1:3/3 <b>avoid [1]</b> 1:10/9 <b>aware [3]</b> 1:10/17 1:13/17 1:13/18 <b>away [1]</b> 1:6/21
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<b>MR. CUBBERLY: [1]</b> 1:5/2				
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<b>MS. ABRAMS: [1]</b> 1:4/15				
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<b>MS. LUHANA: [15]</b> 1:4/12 1:8/6 1:8/25 1:10/16 1:15/18 1:19/12 1:19/16 1:19/18 1:19/20 1:24/10 1:24/12 1:24/14 1:27/12 1:30/12 1:31/24				
<b>MS. WILKINS: [1]</b> 1:5/5				
<b>THE CLERK: [13]</b> 1:4/5 1:5/16 1:9/10 1:9/12 1:9/17 1:19/13 1:19/17 1:19/19 1:20/12 1:20/14 1:20/19 1:31/17 1:32/3				
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